

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA

MODESTO A. COVARRUBIAS,

Plaintiff,

vs.

THE UNITED STATES DISTRICT
COURT FOR THE DISTRICT OF
NEBRASKA,

Defendant.

8:18CV283

**MEMORANDUM
AND ORDER**

This matter is before the court on its own motion. On September 20, 2018, the court entered a Memorandum and Order and Judgment dismissing this action without prejudice due to Plaintiff's failure to pay the court's filing fee and for failure to comply with the court's order to show cause for his failure to pay the filing fee. ([Filing No. 13](#); [Filing No. 14](#).) Subsequently, on September 24, 2018, the court received Plaintiff's partial filing fee payment of \$1.69. (*See* Docket Sheet.) Because the payment was received so close in time to the court's entry of judgment, the court will vacate the previous order and judgment dismissing this matter and order the clerk's office to reinstate this case. Accordingly,

IT IS ORDERED that:

1. The court's Memorandum and Order ([filing no. 13](#)) and Judgment ([filing no. 14](#)) dated September 20, 2018, are vacated in light of Plaintiff's payment of the initial partial filing fee.
2. The clerk of the court is directed to reinstate this case on the court's pro se docket.

3. Plaintiff is advised that the next step in his case is for the court to conduct an initial review of Plaintiff's claims to determine whether summary dismissal is appropriate under [28 U.S.C. § 1915\(e\)\(2\)](#). The court will conduct this initial review in its normal course of business.

Dated this 27th day of September, 2018.

BY THE COURT:

s/ Richard G. Kopf
Senior United States District Judge